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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/523,549	03/17/2006	Frank Schou	10191/3721	3731

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EXAMINER	
RUTLAND WALLIS, MICHAEL	
ART UNIT	PAPER NUMBER
2835	

DATE MAILED: 08/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/523,549	SCHOU, FRANK	
	Examiner	Art Unit	
	Michael Rutland-Wallis	2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 January 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *7-12* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☐ Claim(s) *7-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *31 January 2005* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *1/31/2005*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: repeated references are made to item 10 "signal evaluation" however the claims recite "signal evaluation unit". Amendments to the specification are suggested to bring the disclosure more in line with the claimed limitations.

Claim Objections

Claim 1 is objected to the limitation "connected up" should be changed to "connected"

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless -
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Berger (U.S. Pat. No. 5,109,199)

With respect to claim 7 Berger teaches a switch assembly (Fig. 2) for switching off vehicle safety component such as a safety belt or airbag (see column 1 lines 5-10 and lines 40-47), comprising: at least one switch (item 10); and two identical sensors (items 14a and 14b) for detecting a switching state of the at least one switch, wherein the two identical sensors are connected in such a way that ranges for at least one electrical characteristic (voltage) quantity to be evaluated for detecting the switching state differ from each other. The conductor bridges of Berger (items 14a and 14b) sense the position of the switching finger item 11 by detecting the first contact element item 12 contacting contact elements 13A and 13B.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger (U.S. Pat. No. 5,109,199) in view of Fendt et al. (U.S. Pat. No. 5,982,048)

With respect to claim 8 Berger teaches the use of a plurality of different resistor networks (items 23A and 23B) provided between the two identical sensors. Berger does not teach a signal evaluation unit. Berger does teach the output at terminal 25 is used to determine the switch position see column 1 lines 57-67 for example therefore one of

ordinary skill in the art understand the inclusion of some signal evaluation of the output of Berger is performed. Fendt teaches the microprocessor or controller which is used to control an airbag system (column 3 lines 29-34). Fendt further teaches the controller is provided with an output signal to determine whether a safety belt has been put on. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berger to use a controller or signal evaluation unit to detect the status of the switch as seen in Fendt if it is held such a unit is not already present in the design of Berger in order to reliably monitor the output.

With respect to claim 9 Berger teaches voltage is the electrical quantity measured, since this is only one quantity it therefore cannot overlap.

Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berger (U.S. Pat. No. 5,109,199) in view of Fendt et al. (U.S. Pat. No. 5,982,048) as applied to claim 8 above, and further in view of Mulera et al. (U.S. Pat. No. 6593,758).

With respect to claim 10 Berger as modified by Fendt teach the resistor networks include a first resistor and a second resistor (items 22a-b and 21a-b). Berger further teaches the current may be evaluated see column 1 lines 30-35. The device of Berger is primarily directed to voltage division rather than current division. Fendt teaches sensors (items Z11 and Z21) for detecting the status of switches where in current division is occurs between R11 and R12. Mulera also teaches the safety system where in indication switches are tested and positions confirmed by way of signals derived from a current division across resistor networks containing two resistors (Fig. 1). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify

Berger as modified by Fendt to use current division rather than voltage division in order determine the condition of a switch assembly as applicant points out such a modification would be within the realm of ordinary skill in the art in order to determine the activation of a switch.

With respect to claim 11 Berger teaches the first resistor is arranged in the switching assembly of figure 2. It would have been obvious to one of ordinary skill in the art at the time of the invention to situate the resistor in the switch if it is held this is not the layout of Berger in order to make the design more modular

With respect to claim 12 Fendt teaches the use of Hall-effect sensors. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Berger to use Hall effect sensors rather than contact type switches in order to increase lifetime of the switch and increases reliability.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Rutland-Wallis whose telephone number is 571-272-5921. The examiner can normally be reached on Monday-Thursday 7:30AM-6:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn D. Feild can be reached on 571-272-2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MRW

LYNN FEILD
SUPERVISORY PATENT EXAMINER